UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,861	09/12/2000	Kamil Grajski	OCTEL-00700	6172

			EXAMINER
28960	7590	11/17/2005	OPSASNICK, MICHAEL N

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ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/659,861	GRAJSKI, KAMIL
	Examiner	Art Unit	
	Michael N. Opsasnick	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 September 2005</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *18-28* is/are allowed.

6)☒ Claim(s) *1-17 and 29-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1.   Claims 18-28 are allowable over the prior art of record.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyers et al

(5715372) in view of Howes et al (6578007).

As per claim 1, Meyers et al (5715372) teaches a human reviewer reviewing

output of an information processing system (abstract, col. 1 lines 1-15) comprising:

"means for extracting an attribute from the output" as extracting a feature set (col.

2 lines 35-39);

"means for selecting.....based on the attribute" as matching the eight signal

characteristics with the speakers used for the MOS test, and using the score to rate the

system (col. 7 lines 13-47).

Meyers et al (5715372) teaches selecting eight signal characteristics from the

eight speakers during the training session, not from the eventual output of the results.

Meyers et al (5715372) does not explicitly teach using the output results to choose the

transcriptor, however, Howes et al (6578007) teaches choosing the transcriptionist based

on attributes from the report (col. 2 lines 4-13). Therefore, it would have been obvious to

one of ordinary skill in the art of transcription services to modify the teachings of Meyers

et al (5715372) with transcription assignment because it could advantageously handle

higher priority transcriptions according to various rules (Howes et al (6578007),col. 2

lines 8-16).

The combination of Meyers et al (5715372) in view of Howes et al (6578007)

Teaches automatically transcribing by an information processing system (Howes et al

(6578007), abstract, col. 2, lines 38-50), as well as choosing from a plurality of reviewers

(Howes et al (6578007), col. 2 lines 4-10).

As per claims 2,3, Meyers et al (5715372) teaches using the speaker that are

familiar with the MOS parameters (col. 7 lines 38-45).

As per claim 4, Meyers et al (5715372) teaches transmission of the information

(col. 7 lines 43-45)

As per claim 5, <u>Meyers et al (5715372)</u> teaches error testing (col. 7 lines 45-48).

4.   Claims 6-17,29-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Kahn et al (6122614)</u> in view of <u>Romano et al (5991595)</u>.

As per claims 6,7,8,29, <u>Kahn et al (6122614)</u> teaches a text transcription system with speech recognition (speech input converted to text) comprising (col. 1 lines 1-10, col. 2 lines 15-25) word extraction allowing the user/operator to review the comparison (col. 2 line 40-55). <u>Kahn et al (6122614)</u> also teaches allowing the user to edit/review the selections during a training phase of the system, including storing information about the user/reviewer (col. 3 lines 9-25; col. 6 line 56 – col. 7 line 20; col. 7 lines 45-55; col. 8 lines 2-28). <u>Kahn et al (6122614)</u> does not explicitly teach selecting a reviewer based on the keyword, however, <u>Romano et al (5991595)</u> teaches choosing the reviewer based on a correlation between the information of the document and the reviewer's ratings, and from a plurality of reviewers (<u>Romano et al (5991595)</u>, col. 4 lines 39-44). Therefore, it would have been obvious to one of ordinary skill in the art of document transcription to modify the teachings of <u>Kahn et al (6122614)</u> to include a selection of reviewers based on performance because it would advantageously choose a reviewer matched with the subject matter, as well as improving quality assurance (<u>Romano et al (5991595)</u>, col. 3 lines 9-14; col. 4 lines 25-33).

As per claims 9,30, the combination of <u>Kahn et al (6122614)</u> in view of <u>Romano et al (5991595)</u> teaches updating the profile of the reviewers (<u>Romano et al (5991595)</u>, col. 4 lines 20-25)

As per claims 10-12,31, the combination of <u>Kahn et al (6122614)</u> in view of <u>Romano et al (5991595)</u> teaches the reviewer profile to match topic, volume of samples, and volume of candidate samples (<u>Romano et al (5991595)</u>, col. 4 lines 62-67)

As per claim 13, the combination of <u>Kahn et al (6122614)</u> in view of <u>Romano et al (5991595)</u> teaches adjusting the profile based on the user's input (<u>Kahn et al (6122614)</u>, col. 7 lines 46-60)

As per claims 14,34, the combination of <u>Kahn et al (6122614)</u> in view of <u>Romano et al (5991595)</u> teaches updating the list of reviewers (<u>Romano et al (5991595)</u>, col. 10 lines 23-35)

As per claims 15,16,32,33, the combination of <u>Kahn et al (6122614)</u> in view of <u>Romano et al (5991595)</u> teaches showing the potential matches of the unmatched word, in addition to providing more possible matches to the unmatched word (showing different degrees of possibilities, or confidence), using audible clues from the program, including repeating the output (<u>Kahn et al (6122614)</u>, col. 9 lines 35-40, col. 9 lines 55-64).

As per claim 17, the combination of <u>Kahn et al (6122614)</u> in view of <u>Romano et al (5991595)</u> teaches selection of a portion of the document (fig. 5)

As per claim 35, the combination of <u>Kahn et al (6122614)</u> in view of <u>Romano et al (5991595)</u> teaches correcting the transcripts (Kahn et al, col. 9 lines 55-64)

As per claim 36, the combination of <u>Kahn et al (6122614)</u> in view of <u>Romano et al (5991595)</u> teaches feedback to the user (Kahn, fig. 2b, subblock 310).

Response to Arguments

5.   Applicant's arguments filed 3/3/05 have been fully considered but they are not persuasive. As per applicant's arguments that Meyers and Howes is improper combination as lacking motivation, examiner respectfully disagrees and points to the rejection above which provides motivation from the Howe reference to combine the two. Both Meyers and Howes relate to the selection of a review process to translate/transcribe an input. The Howes reference provides a way of correlating the selection process to the content of the data that is to be processed, with the advantage of improved quality interpretation of the data. As per the arguments on top of page 3 with respect to output, examiner argues that the phrase "automatically transcribed output" is located only in the preamble, and therefore does not have patentable weight (the word "output" does have patentable weight, but not "automatically transcribed"). As per the arguments with respect to the choosing from a plurality of

reviewers/raters, please see the rejection above. With respect to the argument that Romano

selects a list of constructed responses, examiner notes that the system is selecting a rater based

on a match, i.e., the system does perform a criteria judgment of the rater.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael Opsasnick, telephone number (571)272-7623,

who is available Tuesday-Thursday, 9am-4pm.

      If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mr. Wayne Young, can be reached at (571)272-7582. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

      Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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